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HOUSE BILL 577

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Gail C. Beam

AN ACT

RELATING TO CRIME VICTIMS; PROVIDING COLLEGE TUITION ASSISTANCE TO CHILDREN OF MURDER VICTIMS; ESTABLISHING A HELP LINE FOR FAMILIES OF MURDER VICTIMS; REPEALING SUNSET PROVISIONS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-22-9 NMSA 1978 (being Laws 1981, Chapter 325, Section 9, as amended) is amended to read:

"31-22-9. AWARD OF REPARATION--TUITION ASSISTANCE---

A. The commission may order payment of reparation for:

~~[A.]~~ (1) expenses actually and reasonably incurred as a result of the victim's injury or death;

~~[B.]~~ (2) loss to the victim of earning power as a result of total or partial incapacity;

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1 [~~E-~~] (3) any other pecuniary loss directly
2 resulting from the victim's injury or death [~~which~~] that the
3 commission determines to be reasonable and proper; and

4 [~~D-~~] (4) any expenses incurred for
5 rehabilitation services provided to a victim of child abuse or
6 neglect, including child sexual abuse, but awards made pursuant
7 to this subsection shall be made directly to the provider of
8 the rehabilitation services for payment of those services.

9 B. The commission may order payment of tuition to
10 post-secondary educational institutions on behalf of children
11 and adult children of murder victims pursuant to guidelines
12 established by the commission."

13 Section 2. Section 31-22-14 NMSA 1978 (being Laws 1981,
14 Chapter 325, Section 14, as amended) is amended to read:

15 "31-22-14. LIMITATIONS ON AWARD--COLLATERAL RECOVERY--
16 PRELIMINARY AWARD.--

17 A. No order for the payment of reparation shall be
18 made unless application has been made within two years after
19 the date of the injury or death and the injury or death was the
20 result of a crime enumerated in Section 31-22-8 NMSA 1978 that
21 had been reported to the police within thirty days after its
22 occurrence unless a longer period is allowed pursuant to
23 Subsection F of this section. In no event shall reparation be
24 given unless application has been made within two years after
25 the injury or death, except for minors who are victims of

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1 criminal activity under the provisions of Section 30-6-1 NMSA
2 1978, regarding abandonment or abuse of a child, Section
3 30-9-11 NMSA 1978, regarding criminal sexual penetration, or
4 Section 30-9-13 NMSA 1978, regarding criminal sexual contact of
5 a minor. The date of incident for minors who are victims of
6 these types of criminal activity shall be the date the victim
7 attains the age of eighteen years or the date that the criminal
8 activity is reported to a law enforcement agency, whichever
9 occurs first.

10 B. No award of reparation shall be in excess of
11 twenty thousand dollars (\$20,000) per victim [~~except that~~] or
12 fifty thousand dollars (\$50,000) per family of a murder victim.

13 The commission may award up to an additional thirty thousand
14 dollars (\$30,000) for extraordinary pecuniary losses, if [~~the~~]
15 a personal injury to a victim is catastrophic and results in a
16 permanent total disability. The extraordinary losses
17 compensated may include:

- 18 (1) loss of wages;
- 19 (2) the cost of home health care;
- 20 (3) the cost of making a home or automobile
21 accessible;
- 22 (4) the cost of training in the use of special
23 application; or
- 24 (5) job training.

25 C. Except as provided by Subsection E of this

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1 section, the commission shall deduct from any reparation
2 awarded any payments received from a collateral source or from
3 the United States or the state or any of its political
4 subdivisions for injury or death subject to reparation under
5 the Crime Victims Reparation Act. If the claimant receives an
6 award of reparation from the commission and also receives
7 payment as set forth in the preceding sentence for which no
8 deduction was made, the claimant shall refund to the state the
9 lesser of the amount of reparation paid or the sums not so
10 deducted.

11 D. If the claimant receives an award of reparation
12 from the commission and also receives an award pursuant to a
13 civil judgment arising from a criminal occurrence for which a
14 reparation award was paid, the claimant shall refund to the
15 state the amount of the reparation paid to ~~[him]~~ the claimant.
16 The commission may negotiate a reasonable settlement regarding
17 repayment of the reparation award if special circumstances
18 exist.

19 E. If it appears that a final award of reparation
20 will be made by the commission, a preliminary award may be
21 authorized by the director of the commission or the
22 commission's designee when the commission chairman concurs.
23 The amount of the preliminary award shall be deducted from any
24 final award made by the commission.

25 F. The commission may grant a waiver to the

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1 requirement in Subsection A of this section that a crime be
2 reported to the police within thirty days of its occurrence
3 for:

4 (1) a victim of domestic violence or sexual
5 assault if reported to the police within one hundred eighty
6 days of the occurrence; or

7 (2) a crime against a child that was reported
8 within thirty days of its occurrence to the children, youth and
9 families department, a domestic violence or sexual assault
10 service provider, a teacher or a health care provider; provided
11 that a police report shall be filed before the commission
12 approves payment."

13 Section 3. A new section of the Crime Victims Reparation
14 Act is enacted to read:

15 "[NEW MATERIAL] HELP LINE FOR FAMILIES OF MURDER
16 VICTIMS.--The commission shall establish and operate a toll-
17 free telephone service to provide information and referrals to
18 families of murder victims. The telephone service shall be
19 accessible during business hours to all areas of the state."

20 Section 4. REPEAL.--Section 31-22-24 NMSA 1978 (being
21 Laws 1993, Chapter 207, Section 10, as amended) is repealed.

22 Section 5. APPROPRIATION.--Two million five hundred
23 thousand dollars (\$2,500,000) is appropriated from the general
24 fund to the crime victims reparation fund for expenditure in
25 fiscal years 2006 and 2007 in accordance with the provisions of

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1 the Crime Victims Reparation Act. Any unexpended or
2 unencumbered balance remaining at the end of fiscal year 2007
3 shall revert to the general fund.

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